

## **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently Amended) In a mobile client device, a method of operation comprising:  
first providing, by the mobile client device, a first audio signal at a first audio volume level to a user, the first audio volume level being selectable by the user;  
determining by the mobile client device, the first audio volume level at which the first audio signal is being provided to the user by the mobile client device; and  
while providing said first audio signal to the user at the first audio volume level, providing, by the mobile client device, to the user a second audio signal at a second audio volume level, the second audio volume level being variably controlled by the mobile client device based on said first audio volume level, ~~and~~ the second audio volume level being non-intrusively lower than the first audio volume level initially; and  
while providing the first and second audio signals, incrementally increasing, by the mobile client device, the second audio volume level from the initial non-intrusive lower volume level to a discernable volume level higher than the first audio volume level, said incrementally increasing further comprising:  
first, increasing the second audio volume level by a first predetermined increment,  
second, determining that the user has not responded to the second audio signal, and  
third, increasing the second audio volume level by a second predetermined increment.
2. (Currently Amended) The method of claim 1, wherein said determining the first audio volume level comprises the mobile client device determining a first audio volume level at which the mobile client device is being utilized by a user for a first audio signal

corresponding to music associated with output of at least one of an MP3 player and a radio included with the mobile client device.

3. (Currently Amended) The method of claim 1, wherein said second providing the second audio signal comprises the mobile client device providing the second audio signal corresponding to a ring tone associated alert for at least a selected one from the group consisting of an incoming call, a received indication of a text message, a received indication of a voicemail message, a calendar alert, and a wireless mobile phone system utilities warning.

4. (Cancelled)

5. (Previously Presented) The method of claim 1, wherein said incrementally increasing comprises incrementally increasing the second audio volume level to a pre-determined audio volume level limit above which hearing damage is likely to occur.

6. (Previously Presented) The method of claim 1, wherein said incrementally increasing comprises incrementally increasing the second audio volume level by a selected one of a constant increment and an increasing increment.

7. (Previously Presented) The method of claim 1, wherein said determining comprises the mobile client device determining the first audio volume level measured as an audio power level.

8. (Currently Amended) The method of claim 7, wherein said determining the first audio volume level comprises the mobile client device determining the first audio volume level measured as at least one of volts, watts, and decibels.

9. (Currently Amended) The method of claim 1, wherein ~~said first and second providing comprises~~ further comprising the mobile client device mixing said first and second audio signals and providing the first and second audio signals as a mixed signal, the second

audio volume level being variably controlled by the mobile client device based at least in part on said mixed signal.

10. (Currently Amended) A wireless mobile phone comprising:

a first audio resource, the first audio resource equipped to provide a first audio signal at a first audio volume level at which the mobile phone is being utilized by a user for the first audio signal, the first audio volume level being selectable by the user; and

a second audio resource, wherein the second audio resource is equipped to  
determine the first audio volume level at which the first audio signal is being provided to the user by the first audio resource, and

provide a second audio signal at a second audio volume level to the user while the mobile phone is being utilized by the user for the first audio signal at the first audio volume level, the second audio volume level being variably controlled by the second audio resource based on said first audio volume level, ~~and the second audio volume level being non-intrusively lower than the first audio volume level initially,~~

while the first and second audio signals are being provided, incrementally increase the second audio volume level from the initial non-intrusive volume level to a discernable volume level higher than the first audio volume level, the second audio resource equipped to incrementally increase the second audio volume level by  
first, increasing the second audio volume level by a first predetermined  
increment,

second, determining that the user has not responded to the second  
audio signal, and

third, increasing the second audio volume level by a second  
predetermined increment, and

terminate the second audio signal preventing the second audio signal from intruding on the first audio signal in response to a user action.

11. (Previously Presented) The wireless mobile phone of claim 10, wherein the first audio resource comprises at least one of an MP3 player and a radio.

12. (Original) The wireless mobile phone of claim 10, wherein the second audio resource comprises an audio resource equipped to receive a delivery of a message alert to the user.
13. (Previously presented) The wireless mobile phone of claim 12, wherein the second audio resource comprises a ring tone generator.
14. (Previously presented) The wireless mobile phone of claim 12, wherein the second audio resource is equipped to receive a delivery of a message alert for at least a selected one from the group consisting of an incoming call, a received indication of a text message, a received indication of a voicemail message, a calendar alert, and a wireless mobile phone system utilities warning.
15. (Cancelled)
16. (Previously Presented) The wireless mobile phone of claim 10, wherein the second audio resource is equipped to incrementally increase the second audio volume level to a predetermined audio volume level limit above which hearing damage is likely to occur.
17. (Previously Presented) The wireless mobile phone of claim 10, wherein second audio resource is equipped to incrementally increase the second audio volume level by a selected one of a constant increment and an increasing increment.
18. (Previously Presented) The wireless mobile phone of claim 10, wherein the first and second audio volume levels are measured as audio power levels.
19. (Previously Presented) The wireless mobile phone of claim 18, wherein the audio power levels are measured in at least one of volts, watts, and decibels.
20. (Currently Amended) The wireless mobile phone of claim 10, further comprising a mixer, the mixer equipped to mix the first and second audio signals, the second audio resource being further equipped to variably control the second audio volume level based at least in part on the mixed signal.

21-28 (Cancelled)

29. (Currently Amended) A mobile client device comprising:

a storage medium having stored therein a plurality of programming instructions, which when executed, the instructions cause the mobile client device to

first provide a primary audio signal at a first audio volume level to a user, the primary audio volume level being selectable by the user,

determine the primary audio volume level at which the primary audio signal is being provided to the user, and

while said primary audio signal is being provided to the user at the first audio volume level, provide a secondary audio signal at a second audio volume level to the user, the second audio volume level being variably controlled by the mobile client device based on said first audio volume level, ~~and~~ the second audio volume level being non-intrusively lower than the first audio volume level initially, and

while the mobile client device provides the ~~first-primary~~ and secondary audio signals, incrementally increase the secondary audio volume level from the initial non-intrusive volume level to a discernable volume level higher than the first audio volume level by:

first, increasing the second audio volume level by a first predetermined increment,

second, determining that the user has not responded to the second audio signal, and

third, increasing the second audio volume level by a second predetermined increment; and

a processor coupled to the storage medium to execute the programming instructions.

30. (Previously Presented) The mobile client device of claim 29, wherein the primary audio signal corresponds to music associated with output of at least one of an MP3 player and a radio included with the mobile client device.

31. (Previously Presented) The mobile client device of claim 29, wherein the secondary audio signal corresponds to a ring tone associated alert for at least a selected one from the group consisting of an incoming call, a received indication of a text message, a received indication of a voicemail message, a calendar alert, and a wireless mobile phone system utilities warning, and the programming instructions are further configured to terminate the secondary audio signal preventing the secondary audio signal from intruding on the primary audio signal in response to an user action.

32. (Cancelled)

33. (Previously Presented) The mobile client device of claim 29, wherein the primary audio volume level is measured as an audio power level.